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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,170	05/04/2001	Lyndsay Williams	2730	9681
7590	09/17/2004		EXAMINER	
Albert S. Michalik Law Offices 704 - 228th Avenue NE Suite 193 Sammamish, WA 98074			NGUYEN, JENNIFER T	
			ART UNIT	PAPER NUMBER
			2674	
DATE MAILED: 09/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/849,170	WILLIAMS ET AL.
Examiner	Art Unit	
Jennifer T Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 May 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

1. This Office Action is responsive to Amendment filed on 06/29/2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 3, 8, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe (Patent No.: US 6,633,282).

Regarding claim 1, referring to Figs. 1-3, Willan Monroe teaches a computer system, comprising: a writing instrument (i.e., pen 10) that generates movement information including acceleration information (24, 28) from a user's handwriting and a conversion component (32) that utilizes the acceleration information to generate line thickness information (i.e., bold and thin stroke) (abstract, col. 3, line 38 to col. 4, line 22).

Regarding claim 2, Monroe further teaches the writing instrument is a pen (col. 3, lines 38-41).

Regarding claim 3, Monroe further teaches an accelerometer (i.e., motion sensor 24, 28) configured to generate the acceleration information (i.e., motion signals) (col. 3, line 38 to col. 4, line 22).

Regarding claims 8 and 17, Monroe further teaches the accelerometer is configured to generate tilt information (col. 3, lines 61-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 8-14, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willan (Patent No.: US 5,239,292).

Regarding claim 1, referring to Figs. 2-4, Willan teaches a computer system (i.e., graphic system), comprising: a writing instrument (i.e., pen) that generates movement information including acceleration information (acceleration/velocity) from a user's handwriting and utilizing the acceleration information to generate line thickness information (i.e., width of the pattern) (col. 3, line 13 to col. 4, line 16, col. 4, line 45 to col. 5, line 36, and col. 8, lines 3-6). Although Willan does not specifically teach a conversion component that utilizes the acceleration information to generate line thickness information, however Willan teaches the line's width which increase with the velocity or the shape of brush changes with the acceleration (col. 4, line 60 to col. 5, line 16). Accordingly, Willan teaches a conversion component that utilizes the acceleration information to generate line thickness information.

Regarding claim 2, Willan further teaches the writing instrument is a pen (col. 3, lines 13-16).

Regarding claim 3, Willan further teaches an accelerometer (56) configured to generate the acceleration information (col. 3, lines 35-47).

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Regarding claims 5 and 14, Willan differs from claim 5 and 14 in that he does not specifically teaches conversion component is located remote from the writing instrument and transmitting the digital data to the conversion component. Willan teaches a computer can detect the changes in position of the input device relative to a surface (col. 3, lines 35-47 and col. 4, line 60 to col. 5, line 16). Accordingly, Willan teaches inherent conversion component in computer to detect the movement of the pen and convert to width of pattern.

Regarding claims 8 and 17, Willan further teaches the accelerometer is configured to generate tilt information (col. 2, lines 41-50).

Regarding claims 9 and 18, referring to Figs. 2-4, Willan teaches a computer system (i.e., graphic system), comprising: a writing instrument (i.e., pen) that generates movement information including acceleration information (acceleration/velocity) from a user's handwriting and utilizes the acceleration information to generate line thickness information (i.e., width of the pattern) based upon spacing of plots in a map of a plot (Fig. 4) of the movement information (col. 3, line 13 to col. 4, line 16 and col. 4, line 45 to col. 5, line 36). Although Willan does not specifically teaches a conversion component. However Willan teaches the computer detect the velocity or the shape of brush changes with the acceleration to generate the line's width (col. 4, line 60 to col. 5, line 16). Accordingly, Willan teaches a conversion component that utilizes the acceleration information to generate line thickness information.

Regarding claims 10-11 and 19-20, Willan further teaches the thickness information is based upon the samples/unit distance of the plots (Fig. 4, col. 4, line 45 to col. 5, line 36).

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Regarding claims 12, 13, 21, and 22, Willan further teaches the thickness information increases a thickness component as the wavelengths increase (col. 1, lines 60-64, col. 4, line 45 to col. 5, line 36).

6. Claims 4, 6, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willan (Patent No.: US 5,239,292) in view of O'Connor et al. (Patent No.: US 6,188,392).

Regarding claim 4, Willan differs from claim 4 in that he does not specifically teach the accelerometer generates analog movement information, and an analog-to-digital converter for converting the analog movement information to digital data. However, referring to Fig. 1, O'Connor teaches accelerometer generates analog movement information, and an analog-to-digital converter (116) for converting the analog movement information to digital data (col. 5, lines 29-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the analog-to-digital converter as taught by O'Connor in the system of Willan in order to provide a digital output for the device.

Regarding claims 6 and 15, the combination of Willan and O'Connor teaches the digital data is transmitted via a wireless connection (col. 6, lines 3-22 of O'Connor).

Regarding claims 7 and 16, the combination of Willan and O'Connor further teaches the digital data is transmitted via a hardwired connection (col. 6, lines 23-39 of O'Connor).

7. Claims 4, 6, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (Patent No.: US 6,633,282) in view of O'Connor et al. (Patent No.: US 6,188,392).

Regarding claim 4, Monroe differs from claim 4 in that he does not specifically teach the accelerometer generates analog movement information, and an analog-to-digital converter for converting the analog movement information to digital data. However, referring to Fig. 1,

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O'Connor teaches accelerometer generates analog movement information, and an analog-to-digital converter (116) for converting the analog movement information to digital data (col. 5, lines 29-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the analog-to-digital converter as taught by O'Connor in the system of Monroe in order to provide a digital output for the device.

Regarding claims 6 and 15, the combination of Monroe and O'Connor teaches the digital data is transmitted via a wireless connection (col. 6, lines 3-22 of O'Connor).

Regarding claims 7 and 16, the combination of Monroe and O'Connor further teaches the digital data is transmitted via a hardwired connection (col. 6, lines 23-39 of O'Connor).

8. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

JNguyen
09/13/2004



REGINA LIANG
PRIMARY EXAMINER